REMARKS

Claims 1-3, 5-18, 20 and 22-31 are pending. Applicant has amended Claims 1-3, 5, 6, 11, 18, 20, 25 and 28-31, as indicated above, for clarification.

Claims 1-3, 5-18, 20 and 22-31 are objected to because of informalities.

Claims 18, 20, 22-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,486,920 to Arai et al. ("Arai") in view of U.S. Patent Application Publication No. 2003/0195863 to Marsh, and in view of U.S. Patent Application Publication No. 2005/0047752 to Wood et al. ("Wood"), and further in view of U.S. Patent Application Publication No. 2003/0159145 to Kaltz.

Claims 1-3 and 5-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Marsh, in view of Wood, further in view of U.S. Patent Application Publication No. 2003/0093792 to Labeeb et al. ("Labeeb"), and further in view of Kaltz.

Applicant respectfully traverses the rejections under §103 for at least the reasons described herein.

Claim Objections

Claims 1-3, 5-18, 20 and 22-31 are objected to because of informalities. Applicant has amended paragraph [0026], as indicated above, in an effort to address the Examiner's concerns. No new matter has been added since the amendment is from the priority application which was incorporated by reference in its entirety. In view of this amendment, reconsideration and withdrawal of this rejection is respectfully requested.

Section 103 Rejections

Claims 18, 20, 22-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Marsh, Wood, and Kaltz. Claims 1-3 and 5-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Marsh, Wood, Labeeb, and Kaltz.

To establish a *prima facie* case of obviousness, three criteria must be met. First, the prior art reference or references when combined must teach or suggest *all* the recitations of the claims. M.P.E.P. §2143. Furthermore, as recently stated by the U.S. Supreme Court, *KSR International Co. v. Teleflex Inc., et al.*, 550 U.S. 1, 14 (2007), there must be some reason to combine the references in a way that produces the claimed invention, and a patent composed of several elements is <u>not</u> proved obvious merely by demonstrating that each of its elements

was, independently, known in the prior art. Finally, as set forth in MPEP § 2143, there must be a reasonable expectation that the modification will be successful. The teaching or suggestion to modify the references, as well as the reasonable expectation of success, must be found in the prior art and not based on the Applicant's disclosure. Failure to meet any <u>one</u> of these criteria -- a teaching or suggestion of all claimed elements, a reason to combine or modify the references, and a reasonable expectation of success -- is sufficient to render an obviousness rejection improper.

The Action fails to meet all of the criteria for obviousness. For example, Claim 1, as amended, recites a method of presenting channel content in a distributed network having a client device and a server device, the method comprising:
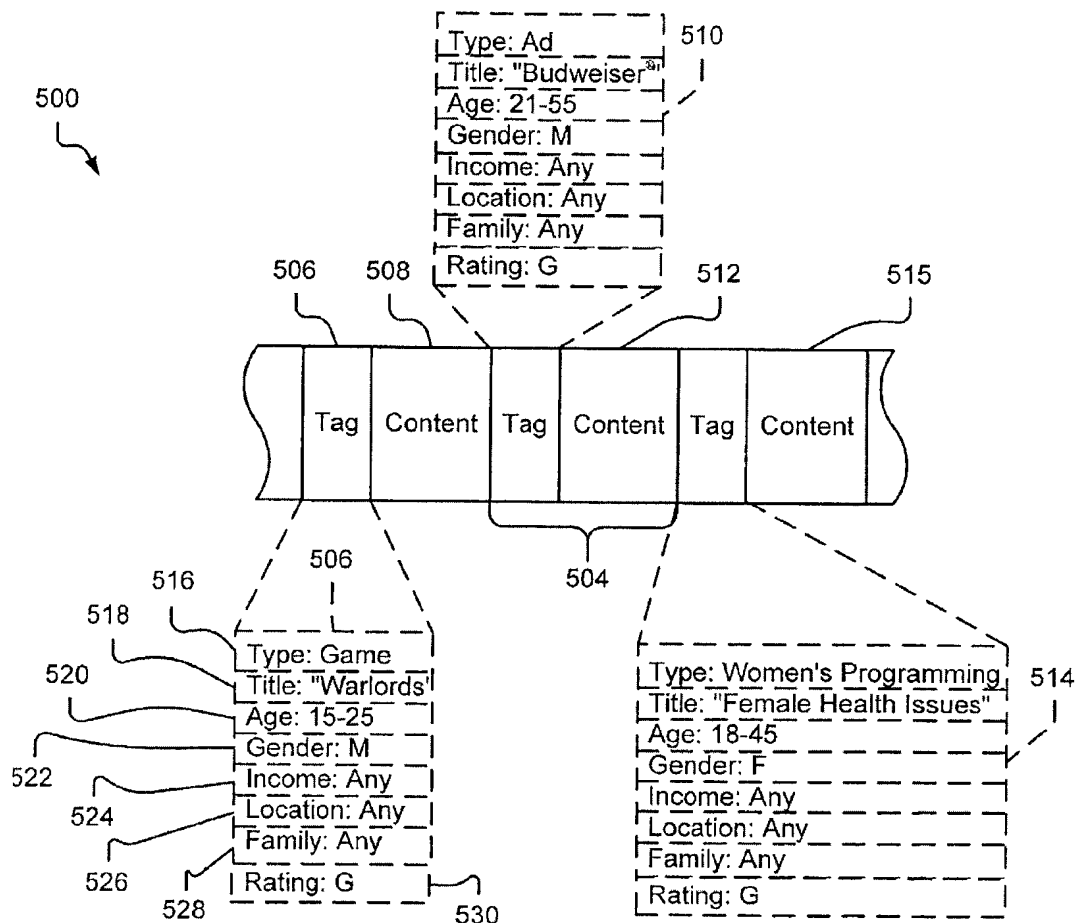
> evaluating tagged content, wherein *each content has a respective tag directly appended thereto* and wherein *each tag comprises content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information*;
> implementing a user profile comprising user selected criteria, wherein the user profile comprises a stored data structure identifying content preferences in user-assigned order, and wherein the user selected criteria comprises at least one content rating to exclude;
> creating a personalized channel at the client device, wherein the personalized channel comprises *tagged content* from two or more predetermined channels, wherein the personalized channel is automatically created through use of the user profile, wherein conflict is resolved when *tagged content* from the two or more predetermined channels match the user profile and occur at the same time by selecting *tagged content* from one of the two or more predetermined channels that matches a highest order preference in the user profile, and wherein the personalized channel excludes *tagged content* based on the at least one content rating in the user profile; and
> displaying the *tagged content* on the personalized channel.

Claim 1 recites that each content has a respective tag directly appended thereto. This is illustrated below in Fig. 5 from the priority application, which was incorporated by reference in its entirety into the present application.

500

510

Type: Ad
Title: "Budweiser®"
Age: 21-55
Gender: M
Income: Any
Location: Any
Family: Any
Rating: G

506   508   512   515

Tag | Content | Tag | Content | Tag | Content

516   506   504

518
520
Type: Game
Title: "Warlords"
Age: 15-25
Gender: M
Income: Any
Location: Any
Family: Any
Rating: G

522
524
526
528   530

Type: Women's Programming   514
Title: "Female Health Issues"
Age: 18-45
Gender: F
Income: Any
Location: Any
Family: Any
Rating: G

None of the cited references teach or suggest content with a tag appended directly thereto, as recited in Claim 1. For example, the primary reference, Arai, describes a receiving apparatus comprising a program information storing section for storing program information including program name, program start time and channel discriminating information, a program information search section for searching the program information stored in the program information storing section according to designated search conditions and for producing personalized program information resulting from the search, and a program guide display section for displaying a program guide including a personal channel including the personalized program information. (col. 2, lines 12-24). Arai also describes a system capable of searching programs according to a user's preference, and producing and displaying a "my channel" consisting of programs fulfilling the search conditions (e.g., fee) given from the user. (col. 8, lines 45-49).

Arai does not describe or suggest evaluating tagged content, wherein each *content has a respective tag directly appended thereto* and wherein *each tag comprises content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information.* The program information of Arai is not directly appended to the actual content with a tag. To the contrary, the Arai program information is stored in a program information storing section and is used to generate a program guide. In addition, Arai does not include any viewer information in its program information, and specifically fails to teach or suggest viewer age information, viewer gender information, viewer income information, and viewer location information. Moreover, the Action concedes this on page 11.

The secondary references, Marsh, Wood and Kaltz, fail to overcome the deficiencies of Arai. Marsh describes an environment having a media entertainment system, one or more content description metadata providers, a media content description system, one or more program data providers, one or more content providers, a content distribution system, and multiple client devices coupled to the content distribution system via a broadcast network. (Marsh, para [0040]). Content description metadata provider provides content description metadata associated with a media to media content description system. (Marsh, para [0041]). Media content description system stores media content description metadata associated with a plurality of metadata categories and stores metadata received from one or more metadata providers. (Marsh, para [0042]). Media content description system provides the media content description metadata to program data provider. (Marsh, para [0043]). Program data provider includes an electronic program guide (EPG) database and an EPG server. The EPG database stores electronic files of program data, which is used to generate an electronic program guide (or, "program guide"). (Marsh, para [0048]). Content provider includes a content server and stored content, such as movies, television programs, commercials, music, and similar media content. Content server controls distribution of the stored content from content provider to the content distribution system. (Marsh, para [0050]). Each client runs an electronic program guide (EPG) application that utilizes the EPG data. An EPG application enables a TV viewer to navigate through an onscreen program guide and locate television shows of interest to the viewer. (Marsh, para [0056]).

Thus, the content description metadata of Marsh is stored separately from the actual content and is not appended directly to the actual content. The metadata of Marsh is merely

used to generate a separate program guide that allows users to locate television shows of interest. The content of Marsh is not "tagged content."

In the criteria database of Wood, a user can specify criteria for recording shows including a show title, a keyword such as actor or director name or text from a description of the show, a show class (such as action, mystery, childrens, etc.) and rating information (both parental control and quality ratings). (Wood, para [0042]). However, Wood does not describe a tag that includes content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information. Moreover, Wood fails to teach or suggest a tag appended directly to content.

Similarly, Kaltz describes attribute content for content, such as television programs, that includes genre, title, actors' names, sports teams, and a plot summary. (Kaltz, para [0021]). However, Kaltz does not describe a tag appended directly to content and that includes content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information.

Labeeb describes a method for displaying a TV program to a viewer, comprising receiving a plurality of TV programs, allowing the viewer to select one of the plurality of received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer. However, Labeeb does not describe a tag appended directly to content and that includes content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information.

As such, independent Claim 1 is not rendered obvious by the combination of Arai, Marsh, Wood, Labeeb, and Kaltz because all of the cited references, alone or in combination, fail to teach or suggest all of the recitations of Claim 1. Applicant respectfully asserts that the rejection of independent Claim 1 under 35 U.S.C. §103 is overcome. Additionally, Applicant submits that dependent Claims 2, 3 and 5-17 are patentable at least by virtue of the patentability of independent Claim 1, from which they depend and respectfully request the allowance thereof.

Amended Claim 18 recites a method of displaying a programming guide of channel content in a distributed network having a client device and a server device, the method comprising:

> receiving content tag information prior to receiving *content to which the tag is directly appended, wherein the content tag information comprises content type, content title, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information*;
> evaluating tag information, wherein evaluating tag information comprises implementing a user profile comprising a stored profile of preferences in user-assigned order, and wherein the stored profile of preferences comprises user selected criteria comprising at least one content rating to exclude; and
> displaying a personalized programming guide at the client device, wherein the personalized programming guide displays a preferred subset of available tagged content, wherein the preferred subset is based on the user profile, wherein the personalized programming guide displays at least one personalized channel having tagged content from two or more predetermined channels, wherein conflict is resolved between tagged content from the two or more predetermined channels that match the user profile and occur at the same time by selecting tagged content from one of the two or more predetermined channels that matches a highest order preference in the user profile, and wherein the personalized programming guide excludes tagged content based on the at least one content rating in the user profile.

For at least the same reasons described above with respect to independent Claim 1, Applicant respectfully asserts that independent Claim 18, and all claims depending therefrom, are not rendered obvious by the combination of Arai, Marsh, Wood, and Kaltz.

Amended Claim 25 recites a system for displaying personalized channel information comprising:

> a receive module that receives tag information, wherein the *tag information is directly appended to content* that may be viewed by a user of the system, *wherein the tag information is included within a plurality of fields including a content type field, a content title field, a viewer age field, a viewer gender field, a viewer income field, a viewer location field, and a content rating field*;
> an analysis module that analyzes the tag information contained within the plurality of fields and modifies the display of the tag information, the analysis module being configured to implement a user profile of preferences in user-assigned order, and comprising user selected criteria comprising at least one content rating to exclude;
> a display module for displaying the modified tag information; and
> a profile interface module that accesses the user profile and provides tag information to the analysis module, the analysis module using the profile tag information in selecting tagged content to add to the personalized channel from two or more predetermined channels, wherein conflict is resolved between tagged content from the two or more predetermined channels that match the user profile and occur at the same time by selecting tagged content from one of the two or more predetermined

channels that matches a highest order preference in the user profile, and excluding tagged content comprising the at least one content rating to exclude.

For at least the same reasons described above with respect to independent Claim 1, Applicant respectfully asserts that independent Claim 25, and all claims depending therefrom, are not rendered obvious by the combination of Arai, Marsh, Wood, and Kaltz.

Dependent Claims

As each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants do not believe that it is necessary to argue the allowability of each dependent claim individually. Applicants do not necessarily concur with the interpretation of these claims, or with the bases for rejection set forth in the Action. Applicants therefore reserve the right to address the patentability of these claims individually as necessary in the future.

CONCLUSION

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.
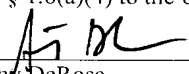
Respectfully submitted,

Needham J. Boddie, II
Registration No. 40,519
Attorney for Applicant

Customer Number 39072
AT&T Legal Department – MB
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster, NJ 07921
919-854-1400
919-854-1401 (Fax)
Doc. No. 836727